IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 8TH JANUARY 2007 / 18TH PAUSHA 1928

WP(C).No. 29195 of 2006(A)

PETITIONER:

K. SUDHAKARAN NADAR,
AGED 43 YEARS, S/O.KESAVAN NADAR,
THERIVILA THEKKE PUTHENVEEDU,
KOLIAKODE, INDUSTRIAL ESTATE P.O.,
PAPPANAMCODE, THIRUVANANTHAPURAM.

BY ADV. SRI.P.V.ANIL
SRI.VINU V.GOPAL

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS
CHIEF SECRETARY, THIRUVANANTHAPURAM.

2. THE TRIVANRDUM CO-OPERATIVE URBAN
BANK LTD., REPRESENTED BY ITS GENERAL MANAGER
M.G. ROAD, THIRUVANANTHAPURAM.

3. THE RECOVERY OFFICER,
TRIVANDRUM CO-OPERATIVE URBAN BANK LTD.,
P.B.NO.15, M.G. ROAD, THIRUVANANTHAPURAM.

4. THE ARBITRATOR, OFFICE OF THE
ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), THIRUVANANTHAPURAM.

BY ADV. SRI.GEORGE POONTHOTTAM FOR R2 AND R3
SENIOR GOVERNMENT PLEADER, SRI P.K.RAVIKRISHNAN FOR R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:-

EXT.P1	TRUE COPY OF THE AWARD PASSED BY THE 4TH RESPONDENT IN ARC NO.1153/2006
EXT.P2	TRUE COPY OF THE AGREEMENT DATED 16/07/2006 EXECUTED BY THE PETITIONER FOR THE SALE OF HIS PROPERTY
EXT.P3	TRUE COPY OF THE RECEIPT DATED 19/07/2006 ISSUED BY THE 2ND RESPONDENT
EXT.P4	TRUE COPY OF THE RECEIPT DATED 11/08/2006 ISSUED BY THE 2ND RESPONDENT
EXT.P5	TRUE COPY OF THE RECEIPT DATED 07/04/2006 ISSUED BY THE 2ND RESPONDENT
EXT.P6	TRUE COPY OF THE RECEIPT DATED 01/03/2006 ISSUED BY THE 2ND RESPONDENT
EXT.P7	TRUE COPY OF THE NOTICE DATED 28/10/2006 ISSUED BY THE 3RD RESPONDENT
EXT.P8	TRUE COPY OF THE REPRESENTATION DATED 04/11/2006 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT

\\TRUE COPY //

P.A TO JUDGE

J.M.JAMES, J.

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W.P.(C) No. 29195 of 2006 (A)

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Dated this the 8th day of January, 2007

J U D G M E N T

The writ petitioner is a defaulter to the second respondent Urban Bank. Therefore, the second respondent initiated coercive steps against him. The counsel for the writ petitioner submits that he had remitted an amount of Rs.41,500/-. Exhibit P1 award reveals that an amount of Rs.2,25,492/-, with interest at the rate of 12.5%, from the date of the suit, 11/01/2006, is due to the second respondent bank. The benefits of one time settlement is not available to the writ petitioner as the second respondent is an Urban Bank. However, during the hearing, the learned counsel for the second respondent submitted that an instalment facility could be extended to the writ petitioner, provided the writ petitioner undertakes to remit the amount in instalments, without default.

2. Considering the amount due from the writ petitioner to the second respondent and other facts that are placed before me, I dispose of the writ petition, directing the writ petitioner to approach the second respondent and the latter, after

hearing the writ petitioner, shall fix the amount due from the writ petitioner. This shall be done within two weeks from the date of production of the copy of this judgment along with the request of the writ petitioner to the second respondent.

3. Immediately on fixing the final amount due from the writ petitioner to the second respondent as above, the writ petitioner shall pay the same in ten (10) equal monthly instalments. The first instalment shall be paid on or before 08/02/2007 and the subsequent instalments shall be paid on or before the 8th of every succeeding month.

4. There shall be no default in payment of the instalments. In case of any default of two consecutive instalments, allowed as above, the writ petitioner shall forfeit the benefits of this arrangement and the second respondent shall proceed as per the Kerala Co-operative Societies Act and Rules thereunder, to realise the balance amount that is due to it.

The writ petition is closed as above.

(J.M.JAMES)
Judge

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